

REMARKS

Claims 1- 14 are pending.

Claims 1, 2, 4, 5, 7, 8 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierce et al (US 5,666,364).

Claims 3, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce in view of Petty et al. (US 6,546,263).

Pierce teaches a method and apparatus for coordinating the receipt of incoming calls to a subscriber of two separate communication networks. A current call on the first network may be interrupted by an incoming call on the second network if the current call has a higher priority.

Petty teaches a method and apparatus for displaying status icons in a mobile terminal.

The present invention teaches a method for assigning a high priority to a specific service, or function, selected by a user. In this regard, "service" is used interchangeably with "function." A mobile terminal performs a number of functions to provide a number of services. For example, the mobile terminal performs a voice communication function to provide a voice communication service; performs a text messaging function to provide a text messaging service; performs an Internet access function to provide an Internet access service; and so on. The user assigns a priority to a specific function, like the text messaging function, so that when an incoming call occurs, if the user is using the text messaging service, the incoming call is rejected to prevent interruption of the text messaging function.

The additional services recited in the claims are the services or functions provided in addition to voice communication, not additional carriers and service providers. The additional services do not support voice communication, they are the ancillary services provided in conjunction with voice communication such as text messaging and web browsing.

Pierce assigns priority to a call service, that is, the network and carrier providing the call. As stated in Pierce at col. 2, lines 21-25, when talking about the problem Pierce is meant to solve, "... there does not exist a means which allows a subscriber to define which of plural services is to have priority over a current call, when the service of the current call is different from that of the incoming call and provided by a different network entity." Thus, Pierce deals with a current call and an incoming call.

With respect to Claim 1, the Examiner states, "The claimed second selected additional service reads on the current call." Claim 1 has been amended to clarify the fact that the additional service is not the same as a call because the additional service does not support voice communication. Because the claimed additional service does not read on the current call of Pierce – especially since there is no current call in the claims – it cannot be said that Pierce teaches maintaining the use of the additional service, where the additional service does not support voice communication, as recited in Claim 1.

Claims 2-6 depend from Claim 1 and are believed to be allowable based at least on that dependency. With respect to Claims 3 and 6, Petty does not cure the deficiencies of Pierce as Petty also does not teach or suggest additional services, that are not voice communication, being assigned a priority in a mobile terminal and allowing uninterrupted use of the additional service upon receipt of an incoming call.

Amended Claim 7 recites designating an additional service – that does not support voice communication – as a high-priority service and releasing the priority upon receipt of a user request for priority release. Again, Pierce does not teach or suggest additional services not capable of voice communication being designated a priority. Claim 7, therefore, is believed to be allowable as well.

Claims 8-12 depend from Claim 7 and are believed to be allowable based on that dependency. With respect to Claims 9 and 10, Petty does not cure the deficiencies of Pierce as Petty also does not teach or suggest designating an additional service – that does not support voice communication – as a high-priority service and releasing the priority upon receipt of a user request for priority release.

The Examiner states that Claims 13 and 14 read on Claims 1 and 4. Claims 13 and 14, then, are believed to be allowable for at least the reasons Claims 1 and 4 are allowable.

It is respectfully submitted that Claims 1-14 are allowable over the cited art and further, it is respectfully requested that their rejection be withdrawn.

Should the Examiner feel that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", is written over a horizontal line.

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